

The Office, however, indicated that claims 7-8 and 16 would be allowable if rewritten in independent form including all of the limitations of their base claim and any intervening claims.

### **Objections to the Drawings**

The drawings stand objected to:

“because the cross hatching for elastomer is improper, see MPEP 608.02 for example of cross-hatching.” (Page 2, lines 7-8 of the Office Action.)

In response to the Office’s above objections to the drawings, the Applicant has amended the drawings to follow the example of the rubber cross-hatching as set forth in MPEP 608.02. In view of the aforementioned, Applicant respectfully request that the Office’s objection to the drawings be withdrawn.

### **Rejection under 35 U.S.C. §112, second paragraph**

Claims 8, 16, and 17 stand rejected under 35 U.S.C. §112, second paragraph “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.”

More specifically, the Office indicated that there is insufficient antecedent basis for the limitation “said workstations” in claim 8; the limitation “said multiple workstations” in claim 16; and the limitation “said compartment” in claim 17.

In response to the Office's above rejections, the Applicant has canceled claim 16 and rewritten claims 8 and 17 to provide for proper antecedent basis for the claims. In view of the aforementioned, it is respectfully requested that the Office's rejection of claims 8 and 17 under 35 U.S.C. §112, second paragraph be withdrawn.

**Rejection under 102(b)**

Claims 1-6 and 9-11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent # 3,565,386 to Lemkull.

In regards to claims 1 and 10, Applicant's independent claim 1 calls for a shock and vibration system for symmetrical isolation of shocks including:

“a first member having an interior space;  
a second member, said second member positioned interiorly with respect to said first member, said second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member;”  
(Emphasis added.)

Applicant's independent claim 10 calls for a shock and vibration system for symmetrical isolation of shocks having:

“a first member having an interior space, said first member is fixedly mounted;  
a second member, said second member positioned interiorly with respect to said first member; said second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member;”  
(Emphasis added.)

It is submitted that the reference of Lemkull does not teach his device as including a "second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member." (Emphasis added.)

In regards to Lemkull 's Figure 1, the Office on page 3, lines 10-11 of the Office Action referred to Lemkull 's body B as being a second member. It is submitted however that the reference of Lemkull does not show his body B in his Figure 1, as having a platform located within Lemkull 's body B with the platform coaxially positioned with respect to said first member."

As the reference of Lemkull does not teach his device as including a "second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member" as called for in Applicant's independent claims 1 and 10, it is respectfully submitted that Applicant's independent claims 1 and 10 are allowable over the reference of Lemkull.

In regards to Applicant's claims 5 and 9, Applicant's independent claim 5 calls for a shock and vibration system for symmetrical isolation of shocks having:

"a first member comprising a platform having an interior space; a second member comprising a pole, said pole positioned interiorly with respect to said platform, said pole fixedly mounted with said platform extending radially outward from said pole;" (Emphasis added.)

Applicant's independent claim 9 calls for a shock and vibration system for symmetrical isolation of shocks having:

“a first member comprising a plurality of storage compartments having an interior space;

a second member comprising a fixedly mounted pole; said pole positioned interiorly with respect to said plurality of storage compartments with said plurality of storage compartments extending radially outward from said pole;” (Emphasis added.)

It is noted that Applicant's independent claims 5 and 9 stand rejected under 35 U.S.C. §102 as being anticipated by the reference of Lemkull. In the case of *Akzo N.V. v. United States Int'l Trade Comm'n*, the Federal Circuit held:

“Under 35 U.S.C. §102, anticipation requires that each and every element of the claimed invention be disclosed in the prior art reference.” (Emphasis added.) See *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987).

It is submitted that the reference of Lemkull does not anticipate Applicant's independent claims 5 and 9 as the reference of Lemkull does not disclose the element of a second member comprising a pole as called for in Applicant's independent claim 5 and a second member comprising a fixedly mounted pole as called for in Applicant's independent claim 9.

In regards to the Office's statement on page 3, lines 16-18 of the Office Action that the reference of Lemkull teaches “The second member comprises a pole (B),” Applicant respectfully disagrees with the Office's aforementioned statement. (Emphasis added.)

In *Atlas Powder Co. v. IRECO Inc.*, the Federal Circuit further held:

“Anticipation of a patent claim requires a finding that the claim at issue “reads on” a prior art reference.” (Emphasis added.) See *Atlas Powder Co. v. IRECO Inc.*, 51 USPQ2d 1943, 1945 (Fed. Cir. 1999) and *Titanium Metals Corp. v. Banner*, 227 USPQ 773, 778 (Fed. Cir. 1985).

It is submitted that Lemkull’s reference letter B does not represent a pole but instead represents a body of Lemkull’s device. In Figures 1 and 2 and in column 2, lines 59-62, Lemkull specifically show and describe his body B as “having a housing with a domed top.” It is submitted that a body B “having a housing with a domed top” does not read on the pole of Applicant’s independent claims 5 and Applicant’s independent claim 9.

Since Lemkull’s body B “having a housing with a domed top” does not read on the pole of Applicant’s independent claim 5 and Applicant’s independent claim 9, it is respectfully submitted, in view of *Atlas Powder Co. v. IRECO Inc.*, that the reference of Lemkull does not anticipate Applicant’s independent claim 5 or Applicant’s independent claim 9. *See id.*

**Rejection under 103(a)**

Applicant’s claims 12-15 and 17-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the reference of Lemkull.

In regards to the above rejection, the Applicant has canceled dependent method claim 16 and amended independent method claim 12 to include the subject matter of canceled dependent method claim 16. Since the Office, on page 4, lines 16-18 of the Office Action,

indicated that Applicant's claim 16 contains allowable subject matter, it is respectfully submitted that Applicant's independent method claim 12, as amended, should now be in allowable form.

In regards to Applicant's dependent claims 7 and 8, the Office on page 4, lines 16-21 of the Office Action indicated that Applicant's dependent claims 7 and 8 would be allowable if rewritten in independent form to include all the limitation of their base claim and any intervening claims. In view of the aforementioned, dependent claims 7 and 8 have been rewritten per the Office's suggestion. More specifically, dependent claim 7 has been rewritten to include the subject matter of base claim 5. Dependent claim 8 has been rewritten to include the limitation of base claim 5 and intervening dependent claim 6. In view of the aforementioned, it is respectfully submitted that Applicant's claims 7 and 8, as amended, are now in allowable form.

Since the amendment to Applicant's claims 7 and 8 add two additional independent claims over the amount the Applicant previously paid for, Applicant has enclosed a credit card authorization form in the amount of \$172 in payment of the addition independent claims.

In regards to claims 2-4, 6, 11, 13-15 and 17-18, claims 2-4 each depend on independent claim 1. Since independent claim 1 is allowable over the reference of Lemkull for the reasons stated above the applicant submits that dependent claims 2-4 are now also allowable. Applicant's claim 6 depends on independent claim 5 and Applicant's claim 11 depends on independent claim 10. Since Applicant's independent claims 5 and 10 are

allowable over the reference of Lemkull for the reasons stated above the applicant submits that dependent claims 6 and 11 are now also allowable.

Applicant's method claims 13-15 and 17-18 each depends on independent method claim 12. Since Applicant's independent method claim 12, as amended, is allowable over the reference of Lemkull for the reasons stated above the applicant submits that dependent method claims 13-15 and 17-18 are now also allowable.

In view of the above it is submitted that the application is in condition for allowance.

Allowance of claims 1-15 and 17-18, as amended, is respectfully requested. Applicant has enclosed a marked-up version of the amendment with this response. Applicant has also enclosed three (3) sheet of corrected drawings label as "Replacement sheet" with this response.

## VERSION OF AMENDMENTS SHOWING MARKINGS

### In the Claims

1. (Previously Presented) A shock and vibration system for symmetrical isolation of shocks comprising:
  - a first member having an interior space;
  - a second member, said second member positioned interiorly with respect to said first member, said second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member; and
  - a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said first member and a second end connected to said second member with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said first member and said second member.
2. (Original) The shock and vibration system of claim 1 wherein said first member is fixedly mounted.
3. (Original) The shock and vibration system of claim 1 wherein said second member is fixedly mounted.
4. (Original) The shock and vibration system of claim 3 wherein said first member circumferentially surrounds said second member.

5. (Previously Presented) A shock and vibration system for symmetrical isolation of shocks comprising:

a first member comprising a platform having an interior space;  
a second member comprising a pole, said pole positioned interiorly with respect to said platform, said pole fixedly mounted with said platform extending radially outward from said pole; and

a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said platform and a second end connected to said pole with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said platform and said pole.

6 (Original) The shock and vibration system of claim 5 wherein said elastomeric shock mounts cantileverly extend at an acute angle between said first member and said second member.

7. (Currently Amended) A shock and vibration system for symmetrical isolation of shocks comprising:

a first member comprising a platform having an interior space;  
[The shock and vibration system of claim 5 wherein] a plurality of workstations, said plurality of workstations are symmetrical and concentrically positioned on said platform;  
a second member comprising a pole, said pole positioned interiorly with respect to said platform, said pole fixedly mounted with said platform extending radially outward from said pole; and

a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said platform and a second end connected to said pole with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said platform and said pole.

8. (Currently Amended) A shock and vibration system for symmetrical isolation of shocks comprising:

a first member comprising a platform having an interior space;  
a second member comprising a pole, said pole positioned interiorly with respect to said platform, said pole fixedly mounted with said platform extending radially outward from said pole; and

a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said platform and a second end connected to said pole with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said platform and said pole wherein The shock and vibration system of claim 6 including at least four of said elastomeric shock mounts symmetrical positioned around said pole to form radial sector spaces therebetween with each of said workstations a workstation at least partially positioned in each of said radial sector spaces to provide a symmetrical loading of said elastomeric shock mounts with said elastomeric shock mounts cantileverly extending at an acute angle between said first member and said second member.

9. (Previously Presented) A shock and vibration system for symmetrical isolation of shocks comprising:

    a first member comprising a plurality of storage compartments having an interior space;

    a second member comprising a fixedly mounted pole; said pole positioned interiorly with respect to said plurality of storage compartments with said plurality of storage compartments extending radially outward from said pole;

    a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said plurality of storage compartments and a second end connected to said pole with each of said elastomeric shock mounts symmetrical positioned in the interior space to thereby provide shock and vibration isolation between said plurality of storage compartments and said pole.

10. (Previously Presented) A shock and vibration system for symmetrical isolation of shocks comprising:

    a first member having an interior space, said first member is fixedly mounted;

    a second member, said second member positioned interiorly with respect to said first member; said second member having a chamber with a platform therein with said platform coaxially positioned with respect to said first member; and

    a plurality of elastomeric shock mounts, each of said plurality of elastomeric shock mounts having a first end connected to said first member and a second end connected to said second member with each of said elastomeric shock mounts symmetrical positioned in

the interior space to thereby provide shock and vibration isolation between said first member and said second member.

11. (Original) The shock and vibration system of claim 10 wherein said elastomeric shock mounts cantileverly support said platform to thereby isolate said platform from shocks to said first member.

12. (Currently Amended) The method of isolating shocks between a first member and a second member comprising:

placing a second member interior to a first member;  
placing a plurality of workstations on said first member with said plurality of workstations symmetrically and concentrically positioned around said first member; and  
symmetrically positioning and mounting a plurality of shock mounts between said second member and said first member with each of the shock mounts cantileverly extending between said second member and said first member to provide cantilevered support thereto.

13. (Original) The method of claim 12 including the step of placing the second member coaxial with the first member.

14. (Original) The method of claim 12 including the step of fixedly supporting said second member to enable said first member to provide a shock attenuated platform.

15. (Original) The method of claim 12 including the step of fixedly supporting said first member to enable said second member to provide a shock attenuated platform.

16. (Canceled)

17. (Currently Amended) The method of claim 12 including the step of forming a compartment in said second member with said compartment in said second member concentrically positioned with respect to said first member so that each of said shock mounts of plurality of shock mounts coact to isolate said compartment in said second member from shocks.

18. (Original) The method of claim 12 wherein the shock mounts are angularly positioned to provide for shock and vibration attenuation in three mutually perpendicular axis.

Respectfully submitted,

**JACOBSON AND JOHNSON**

By



Carl L. Johnson, Reg. No. 24,273

Attorneys for Applicant  
Suite 285  
One West Water Street  
St. Paul, Minnesota 55107-2080

Telephone: 651-222-3775  
Fax: 651-222-3776

CLJ/cj  
Enclosure